

All Village of Arden  
residents are encouraged  
to attend the next

# Town Meeting

Monday, September 24, 2012  
7:30 p.m. ~ Gild Hall  
2126 The Highway  
Arden, Delaware

## AGENDA ITEMS WILL INCLUDE:

1. Budget for next fiscal year (2013-2014). Referendum will be presented.
2. Fourteen nominees will be selected for assessors.
3. Elect new committee members to fill vacancy positions for BWVC and Playground committees.
4. BWVC tabled motion at June's Town Meeting will be revisited at September Town meeting.
5. New motion for an exclusive pedestrian phase to the traffic

All are welcome hither

### Please note:

Those attending Town Meetings are eligible to vote if they have resided in the Village of Arden six months prior to the Meeting and are 18 years of age, or older.



## Minutes of the Town Assembly for the Village of Arden (uncorrected)

**Monday, June 25, 2012**

Gild Hall -Arden, DE

attendees: 55 signatures

Carol DiGiovanni	David Michelson	Carl Falco
Danny Schweers	Betty O'Regan	Larry Walker
Julia McNeil	Charles E. Robinson	Alfas Alchetowitz (NV)
Kate Sayer	Jane Claney	John Cartier (N.C.C.C)
Marvin Sayer	Mick Fitzharris	D Patridge (illegible)
Denis O'Regan	Bill Theis	Sally Sharp
Lisa Mullinax	Marcia Scheflen	Stephen Harrcourt
Mary Murphy	John Scheflen	Alton Dahl
Ray Seigfried	Lynda Kolski	Esther Schmerling
Ed Rohrbach	Katrina Streiff	Laura Wallace
Cookie Ohlson	Jim Laurino	Elizabeth Resko
Jeffrey Steen	Elizabeth Varley	
Tom Wheeler	Barbara Macklem	
Pat Pyle	Jonathan Claney	
Carol Larson	Harold Kalmus	
Connee McKinney	Barbara Henry	
Mike Curtis	Beverly Barnett	
Steven Blades	David D Claney	
Steven Threefoot	Elaine Hickey	
Deborah Ricard	Brooke Bovard	
Warren Rosenkranz	Ruth Bean	
Gary E Quinton	Cecilia Vore	

To save postage, Arden Minutes & Agenda Items are addressed to one member of each household. If you do not wish to share this information among those residing at your leasehold, please email [registration@theardens.com](mailto:registration@theardens.com) and we will arrange separate mailings.

### **1.0 Call to Order**

Chair *Danny Schweers* called the meeting to order at 7: 41 PM

**2.0 Approval of the Minutes** No corrections were made to the Minutes of the March 26, 2012 Town Meeting: The Minutes were accepted.

**3.0 New Residents** - Marcia Young Scheflen, moved in last week of October.

**4.0 Recognition of the Departed** - \*Ingo Zeise \*Raymond R Campbell \* Raymond Simpkins

**5.0 Visitors** - *Rachael A. Beyer* is a graduate teaching assistant Iowa State University, working on a thesis of the history of Arts & Crafts, and Utopian communities at the turn of the century. Thesis trip. Interesting facts Rachel discovered: According to the Arden Club house in 1908, one of the summer activities was piking and Carol Ware did it in two minutes and thirty-five seconds. In 1909, two of the activities Arden town Fair offered were advanced vaudeville and automobile riding. Lol!

*Thomas Moran*, Regional Manager of DNREC's Mosquito Control Section, will make a ten-minute presentation on the State of Delaware's efforts to control mosquitoes. Focus what the issues are around Arden. Biology of mosquitoes ( handout on larva) important: mosquitoes must have water to complete their life cycles. How we do mosquito control? Everyone assumes spraying insecticide is our first choice. Our first attempt is always source reduction or source elimination (i.e. our dumping containers in back yards or our trying to manipulate/control various large coastal wetlands complex without having an adverse effect on other wild life or the environment). And, of course, there is always "spraying". There are two types of spraying: 1) Spraying for larva mosquitoes- meaning treating the water where the larva's are on water and they never fly away. Once they fly away, it is even harder to control them. 2) Spraying for adult mosquito control- our last line of defense. It is more expensive. Always try to control them in their aquatic stages by manipulating habitats or eliminating water. Mosquito control material is on DNREC website.

Some problems for Arden: natural flood plain associated with .

Nammans Creek, rock pools, storm sewers. Most likely it is attributed to containers and shady-wooded areas which are harborage for mosquitoes. Solution is in the hands of the homeowner. You must be vigilant. There is no regulatory authority or code to make someone regulate his property. It becomes a community effort to police your own property.

Once a year, DNREC sends out a letter to all municipalities offering their services to assist in mosquito control. DNREC needs village permission to address the problem. It is mainly to control the adult mosquitoes. Up to community to decide to participate, unless it is a public health emergency.

## Questions

Q (*Elizabeth Varley*) What chemical is used for adult mosquito control?

Ans. (Thomas) Fog trucks use primarily Anvil (EPA website).

Q (*Charles Robinson*) I have forty gallon containers of water around my property. I was told putting a few drops of dormant oil will kill mosquitoes.

Ans. Not familiar with the oil you are referring to, but we do use oils specifically for mosquitoes. Different oils have different layers of thickness and some mosquitoes can poke through and might not be smothered. It comes down to personal discipline.

Q (*Jeff Steen*) Every leasehold has standing water; each had mosquitoes' larva.

Ans. That is not unusual, because mosquitoes are very successful evolution-wise. They have adapted to semi-domestic habitation with people.

Q (*Lynda Kolski*) If neighboring communities do not spray, aren't we going to get mosquitoes from that area?

Ans. Will mosquitoes invade from elsewhere? It depends on the flight range of the species. For example, Asian Tiger mosquitoes are not invading from other areas. They are very local. Flight range is only a mile or so.

Q (*L.K.*) And how long will the spray last?

Ans. The spray is very short lived. Partly, it is by design to get the safety profile regulated to be used around people. It is meant to kill whatever is flying in that zone for about twenty or thirty minutes. That is it.

§Q\_(L.K.)\_ Knowing it is going to last twenty or thirty minutes, what makes the best sense? It is better for the leaseholders to control the standing water or spray every night?

Ans. Source reduction or elimination is the way to go. It is within your power. Ability is within your reach.

Q (Carl Vore) Mosquito trap/ devices....Are any of those effective?

Ans. We can't endorse or slander a product. Severity is in the eye of the beholder. If you catch five thousand mosquitoes in a trap, but you still cannot sit outside because there are an equal amount biting you, then how effective is it? It depends on the individual and what your level of tolerance is.

Q (Dave Clancy) Are there any natural predators eating the mosquito eggs?

Ans. Yes. Other insect predators and others will avail themselves to eating mosquitoes. If you are still experiencing mosquitoes, then that natural control is not working or controlling to the level that is acceptable to humans. As a general rule of nature, the predator does not usually eat all the prey. Scientific studies of stomach contents of birds and bats find there are not many mosquitoes. Birds are more active in the daytime.

Q (Lynda Kolski) What is the effect on bees, other insects, and pets?

Ans. Just because of the timing of when we do all the applications, which occur at sunset or later, when most bees return to the hive. Also, the doses we are putting out have never had an adverse effect. Not enough to kill the fly but it does kill mosquitoes, which it is supposed to do.

Q (Jim Laurino) How long does the water have to be there for the mosquitoes to successfully emerge from incubation, or how frequently to control?

Ans. Frequently. During warm summer months a mosquito can build from hatch to adult in seven days.

Q (J.L.) So at least once a week to control.

Ans. Yes. Must be vigilant all summer.

Q (J.L.) After a rain, drain all the water and you will break that cycle.

§Ans. Yes. As soon as the flooding occurs they are laying their eggs (hatching) within hours. Two strategies mosquitoes use: 1) flood water (lay eggs on areas they know will become flooded). And 2) lay their eggs on the surface of already existing water. Dump water on a weekly basis and you would be addressing both species (flood water species and surface laying species).

Q(J.L.) How long does an adult mosquitoes live, once it hatches?

Ans. It varies. It depends on time of year, weather condition.

Adults can live several weeks; other times of the year, less.

*John Cartier.* NCC councilman welcomed Danny Schweers as new town chair of Arden. Spoke of follow up to the special public safety meeting held last week. NCC police arrested two adult suspects in connection with the crimes throughout the Brandywine Hundred, including the Ardens. John Cartier reiterated safety precautions delivered to community by Major Becker.

May 15 special service committee of NCC council received a briefing on potential flood buyouts through the FEMA process. We re-ranked our potential buyout candidates because of all the flooding that occurred back in August and in September. The Bickhart property located at 300 Marsh Road was the number one candidate on our FEMA buyout list. The county government has some funds available to provide to local government to match representation of Arden and Ardentown. I am anxious to work with representation from the Ardens about working through this process. The Bickhart property fits all the FEMA criteria for a buyout. It seems like we got a solid chance to buyout, so they are made whole, and that property no longer remains a hazard. It will be demolished and removed.

§§

NCC government is reviving Rockford ice cream festival July 7 & 8th.

There will be a small admission charge. Part of that admission charge will be set aside as future endowment for the museum's operations and maintenance. We are planning on going forward with our private sector partner Barry Schleckier, who does the Brandywine Arts Festival and wants this to grow and be a source for Rockwood.

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## §Questions:

Q (*Denis O'Regan*) Since the arrest of the two males suspects, there have been a couple more incidents.

Ans. Please report to county police.

### **6.0 Delaware League of Local Government Organization**

Danny Sweers provided a description of the organization known as Delaware League of local governments. This is a state wide organization that is a lobby group of which we are a member. You are hiring a lobbyist. What the organization does is represent municipalities of the state of Delaware before the state government and before the Federal government. It does not have a large budget.

Steve Threefoot further comments on lobby. Organization has been around for at least twenty years. They represent issues for us, but more importantly they watch out for issues going through the state legislature, because things happen very fast. They bring them to the surface and make sure the municipalities know what is going on. Example municipal street aid was taken out of the budget a couple of years ago, which we used to repair our streets. We worked together and lobbied and we got that amount back into our budget (approximately \$15,000).

### **7.0 Communications**

Committee Reports:Reminder: Please submit your Committee reports in writing either prior to town meeting or no later than night of town meeting. Please do not send in PDF format.

The town recorder is now connected directly to the microphone. It will only record when you speak into the microphone. Thanks to Sammy Star and Larry Walker, who provided the hook up.

**8.0 Trustees' Report** – *Connie McKinney* read the following report:



Q&A Trustees Report June 25, 2012

The Trustees have several items to report tonight:

**Finances:** We have copies of the quarterly financial report available tonight and have given the final audit from the 2011-12 fiscal year that was done by Corcoran Associates to the Auditing and Budget Committees, Town Treasurer, Town Assembly Chair, and Board of Assessors and the Trustee reserve amount has been given to the Assessors. Thank you, Carl, for handling that.

**Lease Transfers:** There have been no lease transfers since the March Town Meeting.

**Leaseholders:** Regarding the Wynn leasehold on Naamans Creek, the garage has been demolished for a few months and the dwelling that had been badly flooded is now demolished. A ruin of the stone creek wall and the entrance wall that was hauled from stone from the creek and built by Marcus Aurelius Renzetti remains. No plans for the new dwelling have been submitted yet to the Trustees.

If you have any questions or concerns, please contact our assistant Julia McNeil (475-7980 or email [Trustees.of.Arden@gmail.com](mailto:Trustees.of.Arden@gmail.com)). Or, of course, contact Mike Curtis, Carl Falco, or me.

Respectfully submitted,  
Connee McKinney, Arden Trustee

**Discussion-**  
(Connie McKinney) We looked into Renzetti's property and found he did not have flood insurance. That would not have come under that.

**Q (Sally Sharp)** What has become of the money from Buckingham Green?

Ans. (C.M) In 2009, we had settlement from Unity Construction for a certain amount (which had to remain confidential as part of settlement) for a small portion that covered some of the legal fees. We have a new lawyer as of six months ago, Ted Rosenthal, and he has pursued another approach with a landscape contractor to try and address the issue in a way that is not quite so financially prohibitive and a little more realistic. Where it stands now is, the lawyer for the Buckingham Green civic association, Mr. Site, has been approached and asked to negotiate with the two property owners on either side where we need access to correct the problem. We have not heard back from them yet as to whether we received permission or not. Our lawyer is aware it is not good and he will probably approach them-himself.

Trustees' Report accepted

## **9.0 Treasurers Report** Chair David Mickelson

See Treasurer's Report per attachments

Questions-

Q (*Larry Walker*) The Schroeder Bequest has \$393,347.

My understanding is we are going to spend the residue interest that we earn on it. How much will be available for the next cycle for possible grants?

Ans. It is earning less than 1%. (1% is \$ 3,900 is less).

Q (*Denis O'Regan*) First quarter there is \$1,600 for building manager of BWVC. That works out to \$500+/month?

Ans. \$300/month and it would be five months but three month financial statement. Maybe a \$100 for something else.

Q (*D.O.*) We have to look at that because I thought we voted on a number lower than that per month. I thought it was \$200/month.

Ans. My understanding was that the Village provided guidelines. The BWVC committee decided \$300/month. They made it go back into the previous fiscal year to the previous two months.

§Q (D.O.) This is five months?

Ans. Yes.

Q (Dave Clancy) The \$45 that you mentioned I believe is the cost of producing the flyer.

Ans. Thank you for correcting me.

Q (Carol Larson) The \$3,500 was for expenses incurred last year and carried forward.

Ans. Good to know.

Q (Gary Quinton) Why are we going back in expenses for the BWVC into the prior fiscal year? It becomes very confusing when we are trying to do an audit. We are on a fiscal year basis, but a calendar year basis for compensation. So any money spent on that position is already over- budgeted.

Ans. (Danny Schweers) The agreement we reached with Beverly Fleming was dated first of the year. We were aware that there were obvious audit problems, but thought you would be able to cope with it.

G. Q.) It was not in this year's fiscal budget.

Ans. (D.S.) We are taking it out of this year's budget. You are right.

Ans. (David Mickelson) The position was not budgeted at all for this year. So any money spent on that position this year is over-budgeted.

Q (Steven Threefoot) Does the Capital fund only have one year's worth of funds in it?

Ans. (D.M.) One year passed (current year) and we have \$10,000. So this year, if we do not spend anything, then we will have \$20,000; next year would be the third and final year and that would be \$30,000.

Q (S.T.) It does not go into the capital fund immediately at the beginning of the year?

Ans. (D.M.) It could but it just doesn't.

(S.T.) May I suggest from accounting purposes that we do that? Because, if someone proposes something

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out of the Capital fund, having it in two different locations would be confusing. They see this number and this is the number they will work against. Not this plus \$10,000 that is lost somewhere.

Ans. (D.M) It rolls into the capital fund at the end of the fiscal year. Right now, it is budgeted as a line item for \$10,000, plus \$10,000 is a roll forward. So, yes, it is going to come out of two line items.

Q (S.T.) Concerned about being confusing. Maybe make a note indicating that at the beginning of the year it gets put into Capital funds rather than at the end of the fiscal year?

Ans. (D.M) That would be an issue for the budget committee to take up. It is an issue because right now there is a proposal for a request from the BWVC committee for \$12,500 for curtain dividers. \$10,000 will come out of last year's. We can wipe that out, and \$2,500 will come out of this year's current operating budget. So if there are no other expenditures for the rest of the year, \$7,500 will carry forward next year and the village would have to decide if they want to build that up to \$30,000.

Treasurer's Report accepted

**10.0 Advisory Committee Report – Chair, *Bill Theis* read the Financial Policies:**

The past several years the officers put policies into place to make expenditures of the village more transparent. As customary we will review these policies as follows:

**2012 Financial Policies – Village of Arden**

The following financial policies have been agreed to by the current officers (Secretary, Treasurer, Advisory Chair, and Village Chair). The date represents when the policy was first put into place. Policies are intended to provide guidelines for the operation of the Village. These policies may be modified at any point by the officers.

§Policy - Use of Contingency Funds Policy (May 2010)

Contingency funds are specified as part of a budget referendum.

The purpose of the contingency funds is to cover unplanned village or committee expenses. Expenditure of contingency funds requires the pre-approval of three officers and should only be utilized when other mechanisms to cover the costs have been unsuccessful.

Policy - Expenditures of Greater than two-thousand dollars (April 2010)

All committee expenditures of \$2,000 or more require preauthorization of two officers of the Village prior to the commitment of Village funds. In case of an emergency – significant threat to persons or property – appropriate action should be taken as soon as possible with the committee informing at least one officer of the Village within 24 hours.

Policy - Transferring of Funds between Budget Line-items (October 2009)

Funds may be shifted between budget items on the budget referendum by approval of the committee if all budget items are within the committee's responsibility or with the approval of the representative of all committees involved and a least one village officer. Transfer of funds is only allowed if the source account has sufficient funds available and if no standing vouchers are in place covering the funds.

Policy – Authorizing Payment of Funds (March 2009)

The authorization of payment of funds by electronic funds transfer, or check or by any other means requires the approval of two Village Officers. Officers are not allowed to authorize payments to themselves.

Policy – Obligations over \$10,000 (March 2007)

Obligations of Village funds of \$10,000 or greater, require the signature of the Village Chair, or in the case the Chair is not available, the Secretary.

§Policy – Contracts or Agreements with Commitments of One Year or Longer (September 2004)

All contacts and all agreements with duration of one year or longer require the signature of the Chair and the Secretary. (Note – the Charter of the Village of Arden specifies the signature requirements for executing contracts).

Policy – Distribution of the Schroeder Bequest Funds (January 2011)

- 1) The amount that is available for the next fiscal year will be announced at the September Town Meeting. All funds go through the standing committees.
- 2) Standing committees will submit their proposals to the Town Officers prior to the January Town Meeting when they will be announced to the Town Assembly.
- 3) The Officers will review the proposals and discuss their recommendations at the March Advisory Committee Meeting.
- 4) With the guidance of the Advisory Committee, the Officers will make their decision and announce it at the March Town meeting.

Questions

Q (Ruth Bean) The Schroder bequest as I understood it was not just for committees, but individual leaseholders' could make a request?

Ans. (Cecili Vore) I think if an individual has a project they can request it, but they should go through a committee. The committee structure is there to maintain and handle expenditures. There is no reason why someone who has a good idea cannot request it.

Q. (R.B.) If there is a big tree in memorial garden that endangers my house, what committee would I approach in order to request funds? Schroder's bequest I understood could be used for that kind of thing.

Ans. (Bill Theis) Start with the civic committee. Not really sure.

§Ans. (Steve Threefoot) As I remember ,the trustees received funds that were available for providing for individuals who needed or who were looking for funds. The money to the village was for the village to use and it had been determined through the committees that was the way to do village funds.

Ans. (Tom Wheeler ) The will reads it is to be used for the beautification of the grounds and the forests. Then it says the trustees can decide if trees should be taken down with the money. You could make the argument that the Trustees could decide what is appropriate. (Tom provided Schroder's Will per attachment.)

Ans. (Steve Threefoot ) We need the town secretary to investigate and report back at the September town meeting.

Advisory Report was accepted.

11.0 Board of Assessors Report—Chair: Denis O' Regan provided the following report:

Arden Board of Assessors 2012 Report  
Presented 25 June 2012

Page 1 of 4

#### Assessor's Report 2012

This year's Board of Assessors adopted the principle of the Community Standard of Living Method of Arden Assessment in use since 1990 as the basis for determining total land rent.

The "Community Standard of Living Method of Arden Assessment" defines total "Full Rental Value" of the leaseholds as the sum of town expenses (both "non-budget" in the form of county and school taxes, and "budget" as embodied in the town's budget), and the cost of administering the trust, while maintaining a "prudent reserve". This method divides full rental value by acreage of land held privately in leaseholds, such divisions determined by assessors' formulas. The formulas, which are intended to reflect the relative value of leaseholds, are based on lot size, zoning privileges and location factors (see rates and factors below).

A majority of the Board of Assessors continues to endorse the principles of real estate practice in the wider community, which we embody as a multi-tier evaluation of leasehold area. The "A rate" is the base rate, common to all leaseholds - the first 7,116 square feet, using as our unit the area of the smallest leasehold in Arden.

The multiple domicile rate (the "B rate") is set this year at 80% of the "A rate". For each dwelling unit beyond the first, the leasehold is charged the B Rate for an additional 7,116 square feet but is not charged for more than the actual area of the leasehold. The "C rate" is applied to the amount of land on a leasehold not covered by the A or B rates. It is assessed at 40% of the "A rate." The "D rate" is the commercial rate, only applied to one leasehold. It continues at a surcharge of 75%, with no deduction for frontage on Marsh Road. These rates were not changed from the prior year.

The specific location factors are as follows.

1. Leaseholds adjacent to Arden or Sherwood Forests	+10%
2. Leaseholds fronting on Arden or Sherwood Forest by being across the street	+5%
3. Leaseholds adjacent to or fronting on a communal green	+5%
4. Leaseholds adjacent to Harvey Road and/or Marsh Road	-5%
5. Leaseholds having driveway access only to Harvey Road and/or Marsh Road	-5%

#### Notes

1. The specific location factor charges (in dollars) to be added to or subtracted from the sum of the Base Land Rent are obtained by multiplying the Base Land Rent for the leasehold by the appropriate specific location factors as given above.
2. Leaseholds having less than a 25 foot opening to the forest will not be charged a woods factor. More than that frontage to the forest will be considered a full access and charged a full factor.
3. Location factors 4 and 5 are additive if both are applicable.

Arden Board of Assessors 2012 Report		Page 2 of 4
Presented 25 June 2012		
Based on information obtained from the Budget Committee, the Village Treasurer and the Trustees, the Board of Assessors presents the following report. In order to meet the 2013-14 forecast expenditures of \$709,375 and to produce a prudent reserve of \$139,451, the Board of Assessors has set the "A rate" for March 2013 at \$263 per one thousand square feet.		
1) Forecast Expenditures		
School & County Taxes		\$438,838
Trust Administration		\$40,950
Sherwood Forest Loan		\$16,176
Arden Town Budget		\$213,461
<b>Total forecast expenditures</b>		<b>\$709,375</b>
2) Forecast Revenue		
Forecast Revenue from sources other than land rent		\$ 38,000
Total Revenue from land rent		\$609,942
<b>Total expected revenue</b>		<b>\$647,942</b>
3) Prudent Reserve		
Expected difference between expenditures and revenue		\$(61,533)
Projected March 2013 prudent reserve		\$191,684
<b>Target prudent reserve projected for March 30, 2014</b>		<b>\$139,451</b>

Assessors Report Pages 3 and 4 per the attachment

Questions:

Q (*Steven Threefoot*) What % increase or decrease in land rent does this represent each year?

Ans. (*D. O.*) No change last year, since the previous year was carried forward because we did not have an assessment that passed during the referendum. This represents 3% increase over last year's rent.

Q. (*S.T.*) We are overspending our income by about 10%, which means we need to maintain that level of prudent reserve going forward the following year or there would be a 10% increase in land rent.

Ans. (*D.O.*) No. It depends on what you want the prudent reserve to be. If you want prudent reserve projected above \$140,000 to \$200,000 range, you could be looking at those numbers.

Q. (*S.T.*) But we are spending over \$60,000 which is almost 7% of our budget of \$700,000.



§To keep the prudent reserve at \$130,000 in the fourteen/fifteen year, we are going to need a land rent increase of 8% or 9%.

Ans. (D.O.)\_No. The projected prudent reserve for next March is already at \$191,000. So if you target prudent reserve next year \$130,000 the \$60,000 is on the table right there.

Ans. (Alton Dahl) We are projecting \$130,000 which is 18% of our expenses. This is down from 33%, which we have traditionally held. And that means that we have spent almost half of our prudent reserve over the last four or five years.

Ans. (D.O.) There were some assessors, including myself, at the 2006 assessment, who felt that the prudent reserve was creeping up. I have a quick snap shot of what the numbers were in 2006, which is the assessors' targeted prudent reserve of \$135,000, up \$10,000 from the previous year at \$124,000. That year, the actual prudent reserve was somewhere around \$147,000 (although that is not from an audit report). In 2007, targeted \$118,000 which was 20% of that year's budget. And the actual prudent reserve for that year came back at \$236,700. It is getting fatter, even though we have been targeting low. This has a lot to do with the budget forecast, which has been getting more accurate. The next year, \$163,000 was targeted against an actual coming back for that period of \$214,400 and \$180,000 for 2009 assessment ended being \$213,000 actual. \_The \$141,000 that was targeted by the 2010 assessors ended up being \$232,500, which is last year accurate. The method of setting the budget has become more of an exact science, but the numbers have become "fatter". For example, there are numbers in our budget that do not have variability (i.e. Salary, and three year trash contract). I personally would not assign prudent reserve to \$25,000 contingency line item which is in this \$709,000. \_That \$25,000 is part of the prudent reserve because it is the town budget committee getting

more accurate in trying to forecast. We are ending up with prudent reserve over \$200,000, even though our actual forecasts were below or around \$150,000. As for the business of calling it a percentage I feel as though we have to go a few years to see. Since 2003 or 2004, I have been saying we don't need to be collecting that much money to be safe in this town.

Q (Mike Curtis) Every leasehold is allowed two domiciles; would that give you more money?

Ans. (D.O.) Ray Seigfried from Community Planning attended public hearings and spoke about the ADU issues that something changed and now allows everybody to have a second ADU was the claim. We took a vote and decided to write a letter to community planning to get their input on whether the work that they did made a substantive change and whether things were different now than they were before. A letter came back that said no; not only did it not really change the ability of the leasehold to get an ADU, their intent wasn't there either. The board of assessors decided that things have not changed in the way that you were saying that they changed.

Q. (M.C.) I stand corrected. If someone applies for an extra ADU, we the Trustees say no because that is not the will of the town.

Ans. (D.O.) No that is not what we are saying. Things have not changed since before the ADU work has been done by Community planning. If you wanted a second domicile before, there is a process to do that.

Q (M.C.) The reason why someone was given an extra charge was because not everyone could have an extra ADU. It was a privilege. Now, everyone can have an extra ADU. If everyone can have an extra ADU, how does the value of land increase under the people who built one?

Ans. (D.O.) We did not feel that that was a change; to take everybody with the position with an ADU right now and change how we have been charging them for years. If you wanted to go get an ADU before this work was done, and you registered it, did whatever permitting with the county you needed to do that could be

§done before, and it could be done now.

Ans.(D.O.) (RaySeigfried- Chair of Community planning was pivotal in preparing the documentation and developing the concepts of ADU).

Ans (Ray Seigfried) Just to clarify. The whole intent of what we did was to give approximately thirty-two existing ADUs bona fide, approved and legalized by the county. We talked somewhat about opening the door for new ADUs. Technically, it was voted down at a town assembly meeting. All we did was to clarify, quantify and legalize thirty-two that currently exist in Arden. That was it. Nothing else was changed. People had the right before we started, during and right now. Some of these ADUs that were approved were detached from the house with property less than two acres, which nobody in this county has the right to do. Clearly, from the beginning the intent was to legalize those existing ADUs. Nothing else changed.

Ans. (StevenThreefoot) For clarification, the county process for adding ADUs does not transfer with the lease. It is an in-law suite and when you lose that privilege through a transfer and it goes away.

It is not guaranteed if the Trustees do not think it is appropriate for our community to have that extra residency. The Trustees have that privilege. They can get a voice of the town assembly.

There are two different types of ADUs and they have different value in the long run.

Q (*Brooke Bovard*). I served this year on the Board of Assessors. Our meetings are all open to the public. We schedule two specific public hearings. As much as it pains me to say that, this entire town owes a debt of gratitude to Denis O'Regan. Not only has he convened meetings and attended regularly, he has really put his heart and soul in trying to get a full census for us.

Applause

§Q (Lynda Kolski) There is no real change in the way the land rent is being accessed, but there is going to be 3% increase.

Ans. (D.O.) Yes. That affects everyone proportionately.

Q (L.K.) I am wondering if Tom would be willing to tell us why he voted no.

Ans. (Tom Wheeler) I voted no because I did not like the prudent reserve. I said that we were going to the paycheck- to- paycheck philosophy. I did not like the way it was headed.

Board of Assessors Report accepted

## **12.0 COMMITTEE REPORTS**

12.1 Safety- Chair Dave Claney Read report as follows:

Safety committee Report 6/25/2012

The Safety Committee would first and foremost like to thank John Cartier, Bryan Short and Danny Schweers for organizing the safety and Security meeting on the 18th of June.

Thanks to all the volunteers who distributed flyers and got the word out on the internet, we had a good turnout. For anyone who was not here or has not heard, there have been some arrests with regards to the home invasions and the car being stolen, according to the Delaware News Journal.

While this is great news, and I am certainly relieved that there is some closure to these cases, I would like to remind everyone that this does not mean everything can go back to normal, we need to remember what Major Becker explained about operational awareness. That is we still need to be aware of our surroundings, for example whether we locked the car doors or not and whether we left things in the car. As a general rule if you care about it please take it inside. Since the arrests, there have been some cars riffled through. These have been opportunistic adventures at best, so locking the cars can make a big difference. If you want to be more proactive, and I have said this before, you can open up the glove box yourself and the center console, and if you're a non smoker, pull the ashtray out and empty it, better you get your own stuff first then someone else. The Safety committee has their meetings on the second wed of each month; all are welcome to attend to address concerns for the community  
Dave Claney  
Safety Committee Chair.

**§Questions –**

Q. (Cecil Vore) I have noticed a number of leaseholds do not comply with the parking ordinance, which means you must park regularly these vehicles on your leasehold. Many of us have given up part of our front yards so we could comply with the parking ordinance. The Coburns on Sherwood continue to park vehicles on the street that belongs to their leasehold. There is another on Orleans Road who also continues to park on the street. But if somebody has room to park in their property, they should, because that is the ordinance.

Ans. (D.C.) I have been driving down Sherwood making sure at least some tire is off the road.

(C. V.) That is not the ordinance. The ordinance is not to park with two wheels off the road. Your visitors may park with two wheels off the road. Our leaseholds are required to completely park our regular vehicles off the road entirely and on their own leasehold.

Ans. (D.C.) I have not been actively taking note of who owns what vehicle

Safety Report accepted.

**12.2 Registration– Chair, Cecilia Vore**

Cecilia read the following report:

**June 25, 2012, Report to the Town Assembly  
Registration Committee**

The Registration Committee counted votes for the election of Committees and officers on Tuesday, March 27, at the Buzz Ware Village Center. 92 ballots were cast; 66 in person; 26 absentee. Results were posted on the Village website and bulletin boards, as well as the Arden Page.

§The Committee convened on April 10, 2012 and elected Cecilia Vore chair.

The Committee discussed the newly implemented absentee voting for the March election, which we were asked to report on at this meeting. Our observations are as follows:

- 1) Voter participation at the March 2012 election was high. While one event does not indicate a trend, we noted that attendance at the Town Meeting did not seem to suffer from the introduction of absentee voting.
- 2) Absentee voting was much higher than we expected. This was largely due to one individual who contacted neighbors who could not come to the meeting and assisted them in submitting the Affidavit / Request for Absentee Ballot. The committee discussed this “voter drive” and concluded that it is no different than asking your neighbors to come to a Town Meeting to vote for a particular candidate or issue – a practice that is actually beneficial to our democratic process.
- 3) However, when actual ballots were distributed to those who submitted Affidavits, some problems appeared. Several people were surprised to receive the ballots they had requested, and believed they had already voted. Some were unclear about what the Affidavit was for, although they signed their name to it. Some did not themselves mark their reason for requesting an affidavit, or didn’t remember doing so, and had no valid reason for voting absentee. We have no explanation for this confusion. The Absentee voting process was clearly described in the Arden Page, the minutes that were mailed to each resident, the town website, and on the Affidavit and ballot themselves. Making an election process “fool proof” is an elusive goal. But one that we will continue to pursue.

After reviewing our first Absentee vote for March elections, the Registration Committee reports the following:

- Each Affidavit was signed by the person submitting the Affidavit.

§• Only persons with valid reasons for absentee voting received a ballot.

- Each absentee ballot was mailed to or hand-delivered to the person requesting the ballot.

Further, the Registration Committee concludes:

- There is nothing illegal or detrimental with encouraging others to vote Absentee, even supplying others with Affidavit forms, return envelopes and postage.
- The Absentee voting procedure added a considerable amount of work to the duties of the Registration Committee, but, on the whole, is a positive addition to our democratic process.

Respectfully submitted,

Cecilia Vore, chair

Questions -

Q (*Alton Dahil*) I suspect the problem that you did not mention was recruiting absentee voters. In a neighborhood such as the one we live in, where everyone knows everyone, it is tough if someone comes up to you and says vote for me and sign here.

Ans. (*C.V.*) I am not aware that is the request that was made of 'to vote for me and sign here'. I believe it was 'I would like you to come to the town meeting. If you can't attend, you can still vote through this process.' We cannot prevent people who sign their names to things that they don't know that they are signing. Another problem is the understanding of what is a valid excuse for not coming to the town meeting and requesting an absentee ballot. It clearly states on the affidavit 'I am unable to attend for this reason...this reason... this reason.'

§The reasons do not include ‘I have a feeling I might have a headache that night.’ It does not even include ‘inconvenience’. There are very specific reasons. We made the voting process here as quick and painless as possible. In the end it is a good process. I do not believe in helping people to fill out their affidavits that anyone was misled. However, it might be viewed as misleading . Registration Committee report accepted.

12.3 Playground – Chairs: Larry Walker and Mary Vernon  
Larry Walker read the following report:

**REPORT OF THE PLAYGROUND COMMITTEE  
TOWN MEETING  
JUNE 25, 2012**

Since the last Town Meeting, the required Playground Equipment Inspections were held, and in addition all equipment was adult tested. The equipment is in safe condition. The last inspection was made right before the start of the ACRA Summer Program to ensure that the playground area was safe for the upcoming heavy use.

The Playground Committee has strived to maintain a thick layer of "wood chips" under all playground equipment to provide a soft surface for a child to land on when there is a fall, and that is the most effective measure to minimize playground injuries. Each year the Committee has replenished the bed of shredded wood, and the softness is readily apparent when one walks on the "Fall Zones" under the equipment. All areas have had some replenishment, but the equipment at the Miller Road end of the Village Green will still have more added soon.

The special maintenance projects for this year will be the repainting of the Sherwood Green equipment, and the Committee will work at renewing the Fall Zone of one or two pieces of playground equipment on the Sherwood Green.

Submitted by, Larry Walker and Mary Vernon ,Co-chairs



§Questions:

Q (*Jeff Steen*) Is there some reason why the area where the wood chips are has to be so large?

Ans. (*L.W.*) In 1979, Consumer Products Safety commission issued a handbook for public playground safety and this is the suggested guidelines for safety for uses in schools, parks and other areas that have a lot of public access. They give specification certain areas based on height, widths and depth. Playground safety has come a long way. We are now trying to make our playgrounds safe by using the accepted standards.

(*J.S.*) Do the guidelines include using 6x6s?

Ans. (*L.W.*) They have various diagrams of some kind of barrier to delineate the fall zone.

(*J.S.*) The Ardens were founded on some kind of English country style. What has been done seems incongruous with that style. I and others were surprised of the amount of damage to Fells Oak.

(*DaveClaney/Ed Rohrbach*) The Fells Oak is swamp wide oak tree that was planted in honor of Joseph Fells on the green.

*Jeff Steen* proposed the following

Proposed MOTION:

- Place chips under playground fall zone;
- Remove other chips and replace with top soil and seed.
- Remove 6x6's.

(*Linda Kolski*) Seconded

Proposed Motion Discussion:

Ans. (*Larry Walker*) Playground safety is an integral part of the village's insurance policies. We are required to have our equipment in safe condition and at the same time meet accepted guidelines. If our playgrounds are not up to safe standards, this could raise our insurance rates. You should consider the strong safety records of our playgrounds:

§in past twenty-five years, two minor incidents. We are maximizing safety.

Q. (*Ray Seigfried*): I am against the motion. I agree with everything Larry said. They have done a great job. With the motion, where will the money come to do all these changes?

Ans. (L.W.) Probably resort to contingency funds, but we will cross that bridge when we get there.

Q. (*Betty O'Regan*) Can you think of a problem if we remove the 6 x6s?

Ans. (L.W.) Yes. The mulch that is contained inside is no longer the same thickness and we lose the shock absorption properties and more frequently replenish the mulch. I am going to vote against the motion.

Q. (*Bill Theis*) The dimensions of the fall zone, do they exceed the guidelines?

Ans. (L.W.) We try to keep the fall zones as close to what it should be. Yes, as best as possible (height of equipment and an additional six feet).

Q. (*Ed Rohrbach*) I believe there are materials that are of a garden border type that are less visually obtrusive than the 6x 6s which are there now.

Ans. (L.W.) There are commercially available black plastic barriers which are presently installed at Ardentown's playground.

(*Danny Schweers to Larry Walker*) Unless you are actually asked a question from the floor, you should remain quite. This is not a debate.

(*Denis O'Regan*) Not only do the 6x 6's not conform to the look I would like, I was told the wood chips would be replenished as they receded, so that the safety issue of the 6 x6 would not be a problem. On the Sherwood green there are no borders and we have a large pile of wood chips on perimeter. I would rather have a wood chip border that is natural but does not present a potential serious tripping and or skull hazard. I think it should be removed.

§(*Elizabeth Varley*) I am against the motion. Recall the playground committee assured us that they would do some back filling of soil so there was not a tripping hazard and keep up with mulch.

Ans. (L.W.) There has been some receding and we need some top soil to build it up.

(*Jeff Steen*) I agree with Denis O'Regan's comment with regard to safety. There are no borders around the playground equipment at the BWVC. Most importantly, it does not fit with the spirit of the design of Arden. The safety elements are being considered. The falls zones are being addressed. All the other matters are not part of the safety consideration.

(*Linda Kolski*) I agree with Jeff and Denis. I think we can be in compliance with the insurance regulations by having plenty of mulch. The beam is a problem not just for the kids but for adults. It could be a major injury and a potential lawsuit. We need to keep mulch at a good level, but we do not need the beams.

Q. (*Cecilia Vore*) Isn't part of the motion to decrease the area of the mulch? And remove the mulch? And Larry you are saying the current area is in compliance with all the regulations? The motion still includes a decrease in the fall zone in the size of the area?

Ans. (*Danny Schweers*) As I understand the motion, it reduces the chip area if it extends beyond what is safe.

(C.V.) You are saying that you got exactly what is needed. Is that correct?

Ans. (L.W.) There might be areas that have an overlap of 2 or 3 feet wide between equipment.

(C.V.) I intend to vote against this motion. I want the children to be safe and this motion is going to decrease the size of the play area. If you want to remove just the boards, then have a motion for just that.

Q. (*Mike Curtis*) Speaking to the motion, I want to know from Jeff, will this help the health of the trees?

(*Danny Schweers*) Anyone can move to amend the motion

§(*Danny Schweers*) Do I hear a Second?

Seconded

The motion will simply be:

Proposed Amended MOTION:

**Remove the boards from the around  
the playground.**

Proposed Amended Motion discussion:

(*Steven Threefoot*) Does that mean we are striking the full text of the motion and replacing it as an amendment to this motion? In which case, I would recommend that we put down the original proposed motion and prepare a new motion.

(*Betty O'Regan*) I want to call question

Ans. (*Danny Schweers*) The motion before us is to amend the original proposed motion to only the last or #3) Remove 6x6's.

Amended motion Discussion:

(*Steve Threefoot*) Are we just removing 6x6s or are we installing a replacement alternative? I have to vote this down until we have a clear plan.

(*Ed Rohrbach*) Clearly Larry promised us when he proposed this project that the wood would be flush with both surfaces and would not cause any tripping hazards. Clearly that has not been the case since it has been put in. I do think it is a serious tripping hazard. I favor this motion.

Q. (*Jim Larino*) I have a maintenance question. Not having a border means replacing wood chips more frequently. If you have a border, then more effort is spent to bring wood chips up to level borders. Is there really a difference in the cost of maintenance with or without the borders?

Ans. (*Larry*) Without the borders, we would be purchasing more wood chips; which will require more effort of a volunteer playground committee. If you look at other public playgrounds, they will have a border to assist

§in less maintenance. The border makes a lot less work. Yes, more maintenance. It looks like you are going to be doing a lot of work either way.

(*Lynda Kolski*) I would like to argue that point because over time the ground is going to recede and you will have to go back and fill it in. It is going to be an ongoing process. My point is your spending that much more time to maintain the Sherwood playground.

Q.(*Tom Wheeler*) Do you propose to add BWVC as well?

Ans. (*Larry*) That was the plan or consideration.

(*Steve Threefoot*) Call question.

Motion: Remove 6 by 6s.

Vote:

Favor 26 .

Oppose 14

Abstentions 2

Motion passes

Additional Questions for the playground committee

(*Lynda Kolski*) I would like to present a new motion.

(*Danny Schweers*) The motion before us is:

Whenever the 6x 6 is removed, it should be filled with top soil or wood chips.

I's have it. Motion accepted.

Playground Committee Report accepted

12.4 **Forest** –Chair, *Carol Larson*

*Carol Larson* read the following report:

06-25-12            Town Meeting Forest Committee Report.

Actions regarding drainage into St. Martin's Lane Ditch, running toward Naaman's Creek.

This area, seen on the map verso, has been eroding because of storm event overflow running down St. Martin's Lane and from nearby leaseholds. In the last six months, runoff was

§increased by a drainage system put in place during construction at 1901 Millers Road, to dry the basement of the house. An outflow pipe, near the northeast border of the property continues onto Forest Land which is not in compliance with NCC code.

- |         |   |
|---------|---|
| May     | Removal of invasive Norway Maples and bamboo.   |
| May 9   | Meeting with Steve Williams DNREC Ecological Restoration Coordinator and Mariane Hardesty, District Conservationist for NRCS (Natural Resources Conservation Service), USDA.<br>Recommendation: stabilize undercut stream banks with large rocks.<br>Lizzie Broadbent, leaseholder John Scheflen, Carol Larson                                |
| June 7  | Drainage Analysis report for John Scheflen from Duffield Associates received. Recommendation for rain garden and other remedies   |
| June 14 | Rich Saltsman NCC Public Works Inspector, John Scheflen, Carol Larson<br>Confirmed county code for drainage from private property.  |
| June 21 | Soil testing by DNREC Certified Professional Soil Scientist John Martin and John Kirby.<br>Pending receipt of infiltration report to determine effectiveness of rain garden.<br>Recommendation: a rain garden as well as other methods of infiltration; pervious pavement, rain barrels, etc. Referral to Sarah Esposito, Storm water expert. |

Pending further analysis, we propose to install a rain garden in the area behind the carriage house at 1901 Millers Road. Because there is not sufficient area on the Scheflen leasehold to create an effective rain garden, we propose connecting areas of the leasehold and the forest that will support the most effective design. We will apply for funding

from various sources including the EPA and the State of Delaware. John Schefflen agrees to contribute to the extent that it mitigates his pipe runoff.

Marsh and Millers site:

We planted summersweet (clethra), serviceberry (amelanchier), itea, fothergilla and bayberry shrubs at Marsh and Millers Road site. Greg Gagliano is continuing treatment of invasive plants including wisteria, Japanese stilt grass, and garlic mustard, supported by DDA Invasive Control Grant.

We expect to treat poison ivy near public byways in July. If you have specific requests regarding poison ivy areas, please contact the Forest Committee. We would like to know if any residents are allergic so we can prioritize areas of treatment.

Invasive plant removal: Americorps will again visit in late October- November for three weeks.

Sponsored by Naaman's Creek Watershed Association including Arden, Ardentown and Indian Fields.

We contracted with Ron's Tree Service to remove one dead oak near Hillside leasehold at the request of Ralph Ponte, because it was in striking distance of his structures. He requested that a second tree be removed but it proved to be healthy since it leafed out in March into April, so we will monitor the tree.

The Forest Committee proposes having a booth at the Arden Fair for the purpose of education about invasive plants, stormwater control, and advantages of increasing tree cover.

Next Forest Committee meeting is July 16, 4:00 pm at Roger Garrison's House.

Questions –

Q. (Elizabeth Varley) Schefflen drainage pipe is not in code. It is not clear?

Ans. (C.L.) John has agreed to remove the pipe. We will get a better design.

(E. V.) Concern that we get back to compliance.

Q. (*Cecilia Vore*) Across from St. Martin's Lane there are continual drainage problems that have continually undermined the road there. That water starts on Millers Rd. So your rain garden is not going to slow the water that undermines Martins Lane, because it has already gone past there when it gets to your rain garden. The other thing is are town funds going to be used to mitigate a problem that was caused by a private leaseholder who was not in compliance with county code?

Ans. (C. L.) We have to combine forces. Water all joins at a certain point. He is going to pay whatever run-off comes off of his property.

Q (C.V.) We do not need a rain garden.

Ans. (C.L.) Yes, we do need a rain garden because there is run off coming down from Mandy's property and down from St. Martins. There is already a ditch there.

I am not going to do anything until we have a report or design. This is not finalized.

We are not that far along.

*Jeff Steen*) What you are asking of us is to modify the forest. The town adopted a forest statement some years ago, prepared by Alton and the spirit of it was well stated. The idea turning Miller and Marsh into a garden flower place does not fit with regards to protecting our forests.

Ans. (C.L.) What has happened is large trees near the roadside died and they had to come out and we realized that corner needs a sight line. That is why we are putting in lower growth

Jeff proposed Motion: All planting by Forest Committee stop until reviewed by an impartial party.

(*Elizabeth Varley*) I would suggest that since Doug Tallamy, who has written a wonderful book called 'Bringing Nature Home', and who has come to Arden and has assessed our woods in the past, be



§someone that forest committee contacts. I think he would be willing to come. Please look on page 294 of his list of plants for mid- Atlantic and middle- states plants. I am against the motion.

(*Danny Schweers*) Call for the question.

All in favor?

No's have it.

Any other Questions?

(*Ed Rofsbach*) In my opinion, the effort so far to eradicate invasive weeds might be well meaning but for the most part it has been a failure. The ivy and other plants have spread over acres of virgin undisturbed forest without anyone doing anything about it. They are losing ground big time to invasive plants.

(*Carol*) I have walked through the forest and I take exception.

Forest Committee Report accepted.

#### 12.5 **Community Planning** – Chair *Ray Seigfried*

*Ray* read the following:

#### Community Planning Committee Report for June 25 2012 Town Meeting

- **FEMA**, many years ago Arden voted not to participate in FEMA's Federal Emergency Management Agency's National Flood Insurance Program. In 2007 FEMA published flood maps of communities throughout the county. The map showed that Arden has a Special Flood Hazard Areas. Because we are not participating in the National Flood Insurance Program NFIP, anyone who has flood damage will not be able to purchase underwritten flood insurance as well as obtain Federal disaster assistance coverage for their property. Community Planning Community is in the process of contacting our state coordinators to investigate how and what is needed to participate. Once this is known we will

§present this opportunity back to Town Meeting for a decision.

- **Eden Rock;** Community Planning Committee had an open public meeting around the question of Eden Rock on June 6. This meeting was well attended with over 30 people participating. An overview of the facility was discussed. Many interesting ideas were talked about and there was general interest to continue our conversation. We are in the process of scheduling another meeting possibility Wednesday July 11 7:30 at which time Marcus Henry Manager of Community Planning from the county will be present.

Questions-

(*Mike Curtis*)\_Some months ago the Trustees thought we have only thirty-two legalized domiciles. Has that changed? Anyone who wants an additional Domicile can?

Ans. (*Ray*)\_The sole intent was to make existing domiciles legal in NCC. We did that in two ways: 1) ordinance within our community and 2) went to county for ordinances that exempted our existing domiciles. Till today the county prevails. No one in Arden can do a detached ADU. Anyone who wants to create ADU must comply with county code. Read the county code.

(Danny) The Memorial Garden is part of community planning

Ans. (R.S.) I have nothing to report on memorial Gardens.

Community Planning Report accepted.

§12..6 **Civic** – Co Chairs *Tom Wheeler & Ed Rohrbach*

*Ed Rohrbach* read following report:

**Civic Committee Report to the Town Assembly  
June 25, 2012**

We pressure washed the seating and lampposts and electric box and then coated w cedar stain. First maintenance of that type since it was re-built in 1994.

Tom Wheeler contracted DENREC- about their mosquito control program.

We also got a quote from Natural Lawn for their mosquito controls which I sent to the committee.

We are replacing the road sign at Harvey and Orleans that was run over and paid by auto insurance!

We inspected all the roads for possible repairs, the damage this winter was much lighter than average. Residents who are aware of road damage that they think should be repaired should contact Ed Rohrbach.

The committee approved the planting of a cherry tree on the green paid by Shakespeare Gild in honor of Betty Solway Smith. We will be looking at plantings on all of the grounds to see what should be replaced. We also planted a sugar maple tree in front of the BWVC which was donated by Rodney Jester.

It has come to our attention that some folks have been walking around the greens with metal detectors and shovels. The committee will examine our rules for digging on the the Greens. It's a public park, so rules apply to all.

The committee contacted Bryan Short re. the storm drain on Harvey Road near the Memorial Garden which seems to be clogging up.

Submitted by: Ed Rohrbach

Questions-

Q. (*Dennis O'Regan*) I sent an email to civic about offering my services to repair street signs. You have some out of town resource you are paying. I am offering my services (*Steven Threefoot*) Regarding any destruction of public property, such as digging, we do not need to make any rule; it is already a rule.

Civic Committee Report accepted.

**12.7 BWVC-** *Chair, Warren Rosenkranz*

(*Warren*) All grant money spent. We want to address second vote on capital funding for new curtains. We received two quotes: \$12,815 (Union Wholesale) and \$9,580 (ERCO). We want another vote for under \$10,000 capital funding (Room: 1, 2 and hallway).

(*Danny*) Motion before us (proposed last Town meeting): Divider curtains for the BWV. This was voted on the last meeting? This motion does not need a second vote. New motion is authorizing spending up to \$12.5. New motion proposed because of new authorization spending amount which needs to wait until proper publicity be given it in the minutes and we will entertain this motion.

The motion is to postpone until next meeting.

(*Elaine Hickey*) Steven Threefoot pointed out that the process for applying for capital maintenance and repair funds passed by the town assembly two years ago is a two-part process as follows: 1) brought before the town assembly at town meeting and discussed and

§2) The town assembly would decide at the following town meeting whether or not to approve the proposal. Tonight, we are supposed to approve the proposal.

Motion before us is whether to postpone your motion or not.

Vote to Table

Unanimous To table.

BWVC report accepted

12.8 **Budget** – *Chair, Jeffrey Politis*, No reports due for June Town Meeting.

12.9 **Audit** – *Cookie Ohlson*

Cookie read the following report:

June 25, 2012 Audit Committee Report to the Arden Town Meeting

The audit committee reviewed the Independent Auditor's Trustees' Report Draft for the years March 24, 2011 through the fiscal year of 2012. We were in agreement with the figures, and found all to be in order.

Helen "Cookie" Ohlson, Chair

Questions –

Q. (*Denis O'Regan*) Do we have the final audit?

Ans. (C.O.) No.

(*Danny Schweers*) The audit for the previous year is on the website.

(*Steven Threefoot*) It is a draft.

Audit Committee Report accepted.

12.10 **Archives** – *Chair, Lisa Mullinax*

*Lisa read the following report :*

*The Archives Committee convened April with eleven newly elected members,*

Sadie Somerville and Debbie Ricard, and current members, Jane Claney, Barbara Macklem and Lisa Mullinax. Lisa Mullinax was elected chair, and Sadie Somerville was elected secretary and treasurer. Also attending were representatives from Ardentown, June Kleban and Linda Toman, and from Ardencroft, Barbara Perry.

Arden and the Arden Craft Shop Museum are featured in the new book, *Landmarks and Legacies, Exploring Historical Delaware*, now available through the Delaware Tourism site, visit [Delaware.org](http://Delaware.org).

The Museum will be open before the Shakespeare Gild productions of "Henry IV, Part I" this month. A new exhibit of posters, programs, ephemera and some stunning costumes are on display.

Several tours of Arden are being hosted by the Archives Committee: A group from Bryn Gweled Homestead community will be visiting the Museum on July 16. Bryn Gweled is home to about 75 families on 240 acres of collectively owned property in Bucks County.

A class from the Osher Lifelong Learning Institute at UD in Wilmington will be visiting the Museum and touring Arden as part of their Hike into History Class in late October.

And look for our Anniversary Celebration on October 14, which will feature a new walking tour of the three Ardens with an accompanying exhibit.

Regular Museum hours are Wednesday, 7:30 to 9:30 p.m. and Sunday, 1 to 3 p.m.

Respectfully submitted,  
Lisa Mullinax  
Questions: none

Archives Committee Report accepted.

**§Old Business** – None

**New Business**–

(*Steven Threefoot*) I like to express my thanks for Elaine for being our town secretary. I think the assembly owes her appreciation.

Applause

**Good & Welfare** – None

Meeting Adjourned at 10:38 PM

Respectfully submitted,

*Elizabeth Resko*

Secretary

Village of Arden

## ATTACHMENTS

Trustees of Arden  
Quarterly Report  
May 24, 2012

**Assets**

ArdenB&L	\$153,297.23
M & T Checking Account	486,708.29
Vanguard Bequest Funds	230,247.89
Vanguard Village Reserve	4,425.01
<b>Total Current Cash &amp; Equiv</b>	<b>\$874,678.42</b>

**Income**

Land Rent & Related Income	\$567,357.45
Investment Income All Sources	4.17
<b>Total Income</b>	<b>\$567,361.62</b>

**Expenses**

New Castle County	105.67
Rebates	0.00
Village of Arden	111,025.00
Insurance	1,232.00
Third Party Audit	0.00
Third Party Bookkeeping	563.75
Third Party Legal	0.00
Third Party Engineering/Other	0.00
General Administration	1,576.94
<b>Total Expenses</b>	<b>\$114,503.36</b>

TRUSTEE:  
ADMIN. ASST.:





UNAUDITED  
FOR DISTRIBUTION  
AND DISCUSSION  
PURPOSES ONLY  
FOR ARDEN  
TOWN ASSEMBLY

Village of Arden  
Statement of Financial Position  
As of June 23, 2012

Checking/Savings	
1000 - TD Bank Operating Account	61,608 General operating
Total Checking/Savings - Village Funds	61,608 Total general operating
1011 - TD Bank EECBG checking acct	424 EECBG grant expenses
1010 - TD Bank MSA Checking Account	31,193 Municipal Street Aid
1032 - Arden Building & Loan	25,724 Schroeder Bequest
1005 - ING Direct	100,717 Schroeder Bequest
1033 - Vanguard Money Market	266,906 Schroeder Bequest
Total Schroeder Bequest	393,347 Total Schroeder Bequest
1030 - Arden Building & Loan	12,009 Hamburger Lecture Series
1031 - Arden Building & Loan	586 Buzzware Funds
1300 - Due from State of Delaware	131,123 EECBG Grant
TOTAL ASSETS	630,290
LIABILITIES	
2000 - Accounts Payable	51,497
2010 - Payroll Liabilities	578
Total Liabilities	52,075
FUND BALANCES	
Forrest Committee Grant	3,500
Buzz Ware Renovation Fund	5,426
Lecture Series	12,176
J Schroeder Bequest	393,347 no commitments made for FY13
Memorial Garden	7,971
MSA	31,193
EECBG	114
Capital Maintenance Fund	10,000
Village - general fund	114,487
Total Equity	578,214
TOTAL LIABILITIES & EQUITY	630,290

UNAUDITED  
FOR DISTRIBUTION  
AND DISCUSSION  
PURPOSES ONLY  
FOR ARDEN  
TOWN ASSEMBLY

Village of Arden  
Statement of Financial Activity  
As of June 23, 2012

	<u>3/25/12-6/23/12</u>	<u>Budget</u>	<u>% to Budget</u>
Revenue			
4000 - General Funds - Village	111,025	222,050	50.00%
4200 - Grants	-	-	-
4800 - Bequest	-	-	-
4510 - Franchise Fee Receipts	1,967	-	-
4900 - Interest Income	96	-	-
Total Revenue	<u>113,089</u>	<u>222,050</u>	<u>50.93%</u>
Expenses			
6000 - Payroll & Payroll Taxes	2,024	12,194	16.61%
6300 - Administrative Expenses	867	9,500	9.34%
6900 - Audit, Billing, PR Expenses	212	6,000	3.54%
8000 - Committee Expenses	6,668	77,290	8.63%
8010 - Contributions & Donations	5,900	5,900	100.00%
Contingency Fund	-	10,000	0.00%
Capital, maintenance & repair fund	-	10,000	0.00%
8030 - Trash Service	17,358	75,000	23.14%
9000 - Debt Service	4,018	16,176	24.84%
Total Expense	<u>37,067</u>	<u>222,050</u>	<u>16.69%</u>
Surplus (deficit)	<u>76,022</u>	<u>-</u>	
Committee	<u>Actuals YTD</u>	<u>Budget</u>	
Advisory	-	200	0.00%
Archives	-	1,440	0.00%
Assessors	-	50	0.00%
Budget	-	100	0.00%
Buzz Ware	-	7,000	0.00%
Chivc	6,623	53,000	12.50%
Community Planning	-	1,000	0.00%
Forest	-	8,000	0.00%
Playground	-	4,300	0.00%
Registration	-	200	0.00%
Safety	45	2,000	2.25%
	<u>6,668</u>	<u>77,290</u>	<u>8.63%</u>

UNAUDITED  
FOR DISTRIBUTION  
AND DISCUSSION  
PURPOSES ONLY  
FOR ARDEN  
TOWN ASSEMBLY

	Revenues		Expenses		Total		Special Village Funds		J. Schneider		Memorial		MMA		REGDO		Capital Assets		Forward Grand	
	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12	3/25/12-6/23/12	6/23/12-9/23/12
4000 - General Funds - Village																				
4010 - Donations	125	7,000	0.00%				60				2,468				119,123					
4020 - Grants	5,000	5,000																		
4030 - Interest Income	6,500	21,852	25.64%																	
4040 - Retains																				
4050 - Other Income																				
4060 - Other Income																				
4070 - Other Income																				
4080 - Other Income																				
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Last Will and Testament of Johanne Maria  
Schroeder

Dated: August 1, 1998

I, JOHANNE MARIA SCHROEDER, residing and domiciled in the Village of Arden, County of New Castle and State of Delaware, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all other Wills and Codicils heretofore made by me.

FIRST: I direct that all my debts, cremation and administration expenses be paid as soon as practicable after my death. I direct that all estate, transfer, inheritance and similar taxes and death duties of every nature and description (including penalties and interest) payable upon or with respect to property passing under the terms of this Will, shall be a charge against and shall be paid out of my residuary estate, disregarding to whom assessed or charged. All such taxes may be paid when deemed advisable by my Executor.

SECOND: I give and bequeath all of my property, both real and personal, of whatever nature and wherever located, of which I shall die seized or possessed, or to which I may, in any way be entitled at the time of my death to the Village of Arden. I make this bequest with the specific desire that the proceeds of my estate be used for the preservation and care of the natural spaces within the Village of Arden. It will be up to

the Trustees of Arden to decide whether, in special cases, to assist individual lease holders in the care, removal, and replacement of very large trees. The woods and greens of Arden have been my joy and inspiration, and I wish to contribute to their health and survival in the years to come.

THIRD: I request that an Executor be named by the Beneficiary of this Will. No Executor or Administrator with the Will annexed shall be required in any jurisdiction to give any bond or other security for the faithful performance of his duties hereunder. The word "Executor" and the singular pronoun as and when used in this Will shall be deemed to refer to any and all fiduciaries acting hereunder, including an Administrator with the Will annexed.

FOURTH: The Executor shall have and may exercise all of the powers and authority from time to time granted by the laws of Delaware to fiduciaries in addition to the following powers and authority of a discretionary nature:

A. To retain any part or all of my estate in the form in which I leave it. To divide or distribute my estate wholly in cash or wholly in kind or partly in cash and partly in kind with the power for that purpose to determine the values of such property. If the Beneficiary decides that retaining and using the house in its present or changed form is deemed to be to the greatest benefit of all concerned, this will be in keeping with the intent of this Will. Conversely, if it be decided that the sale of the

house is the expedient manner to benefit the Beneficiary, this will be in keeping with the intent of this Will.

B. To sell at public or private sale, or to otherwise manage and dispose of all Property, both real and personal, without application to any court. By this provision, I intend that the Executor shall have the absolute and unqualified power to sell, unaffected by the passage of time or by the condition of my estate. I intend also that any deed of the Executor affecting such real property, which is valid as to form and is properly executed, shall be conclusively presumed not to create any cloud on the title by reason of the exercise of such power of sale.

C. To cause any and all securities to be registered in the name of nominee or nominees.

D. To exercise all voting and other rights in connection with all securities and Investments in my estate including the right: (1) to vote in person or by proxy, (2) to delegate discretionary powers, (3) to join in any reorganization or protective committee and make any payments in connection therewith, (4) to consent to the reorganization, consolidation, merger or dissolution of any corporation, and (5) to exercise, sell and purchase stock rights and warrants and to make any and all payments in connection therewith.

E. To settle and adjust any and all claims by or against me or my estate.

F. To borrow from any source such sum or sums of money as may be necessary or proper for the advantageous settlement and administration of my estate.

G. To determine what expenses are to be paid out of income and principal respectively, to the extent permitted by law, and not to do so in violation of any rule against accumulations which is applicable to the administration of my estate.

H.If necessary, to engage the services of a real estate broker located in the Ardens to effect the sale of any real estate owned by me at the time of my death, and to pay the prevailing commission for such service, which commission shall be a proper administrative expense of my estate.

FIFTH: I direct the Executor to find a home with kind people for any animal I may own at the time of my death.

SIXTH: I request that any tenant residing at the time of my death at 2111B Orleans Road be permitted to continue renting the cottage at least until the expiration of the lease.

SEVENTH: I request that my body be cremated and that no autopsy be performed for any reason; that there be no grave stone or marker, and that no memorial service be held of any kind. I request that the ashes be buried in the Arden Memorial Garden in a site selected at the discretion of the Administrator of the Memorial Garden.

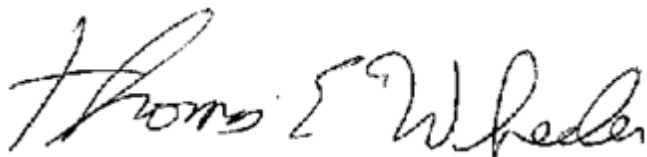
EIGHTH: I request that the members of my family, as well as friends found on the list accompanying this Will, be notified of my passing as soon as possible. All my German friends understand English.

I, JOHANNE MARIA SCHROEDER, the Testatrix, sign my name to this Will this

... day of j----WC--t/T- 1998, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this Last Will, and that I sign it willingly, that I execute it as my free and voluntary act for the purpose therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence

We, the witnesses, being first duly sworn, do each hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that we each state that in the presence and hearing of the Testatrix, we sign this Will as witnesses to the Testatrix's signing, and that to the best of our knowledge, the Testatrix is 18 years of age or older, of sound mind, and under no constraint or undue influence.



A handwritten signature in black ink, reading "Thomas E. Wheeler". The signature is written in a cursive style with a large, stylized 'T' and 'W'.

**THOMAS E. WHEELER**  
**NOTARY PUBLIC I O S A W A R E C o n g s s i m E y "**

Examples using 2012 Rates

Examples of base rentals:

Lot Size (sq. ft.)	Base Land Rent
10,000	\$ 2,010
20,000	\$ 2,982
30,000	\$ 3,954
40,000	\$ 4,926
50,000	\$ 5,898

Examples of rate calculations:

1. A 20,000 sq. ft. lot containing one dwelling unit, on a village green and adjacent to a forest:








7,116 sq. ft. * \$243 / M sq. ft. (A Rate)	\$1,729
12,884 sq. ft. * \$243 / M sq. ft. * 40% (C Rate)	\$1,253
<u>Base Land Rent</u>	<u>\$2,982</u>
Forest Factor - \$2,982 / * 10%	\$298
Greens Factor - \$2,982 / * 5%	\$149
<u>Total Land Rent</u>	<u>\$3,429</u>

2. A 30,000 sq. ft. lot containing three dwelling units and adjacent to Arden Forest:

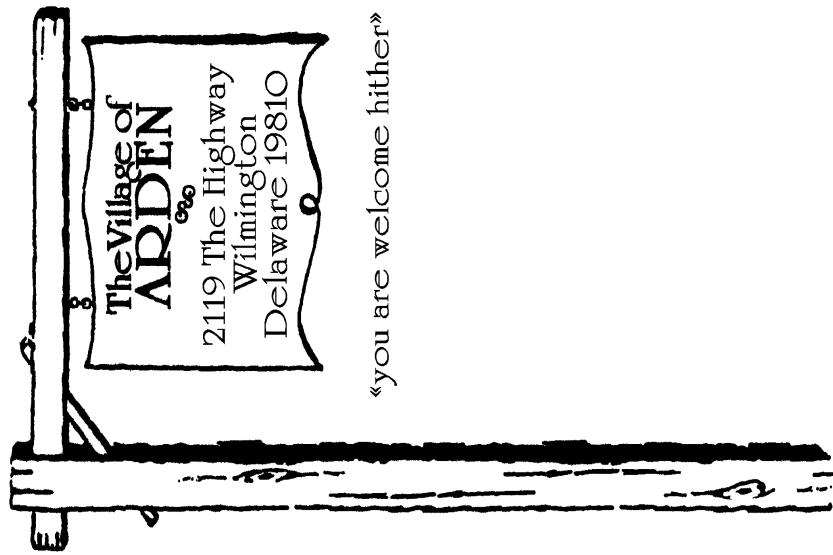
7,116 sq. ft. * \$243 / M sq. ft. (A Rate)	\$1,729
7,116 sq. ft. * 2 * \$243 / M sq. ft. * 80% (B Rate)	\$2,767
8,852 sq. ft. * \$243 / M sq. ft. * 40% (C Rate)	\$541
<u>Base Land Rent</u>	<u>\$5,337</u>
Forest Factor - \$5,337 / * 10%	\$534
<u>Total Land Rent</u>	<u>\$5,871</u>

END OF 2012 ASSESSOR'S REPORT

THE 2012 BOARD OF ASSESSORS  
Vote on Final Report (Signed 19 June 2012)

2012 Assessor	Assessor Signature	Assessor Vote
Tom Wheeler		NO
Alan Burslem		yes
Warren Rosenkranz		yes
Bill Thels		yes
Denis O'Regan		yes.
Gary Quinton		yes
Brooke Bovard		yes





The Village of  
**ARDEN**  
2119 The Highway  
Wilmington  
Delaware 19810

«you are welcome hither»